



DEPARTMENT OF
ECOLOGY
State of Washington

Washington State Implementation Plan (SIP) Revision

*Including Revised Spokane
Regional Clean Air Agency
Regulation I, New Source Review
and General Regulations*

August 2020

Public Comment Version

Publication and Contact Information

This document is available on the Department of Ecology's website at:
<https://fortress.wa.gov/ecy/publications/summarypages/XXXXXX.html>

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Washington State Implementation Plan Revision

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Air Agency Regulation I, New Source
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Air Quality Program

Washington State Department of Ecology

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Acronyms and Abbreviations

CAA	Federal Clean Air Act
Ecology	Washington State Department of Ecology
EPA	U.S. Environmental Protection Agency
NAAQS	National Ambient Air Quality Standards
NSR	New Source Review
RCW	Revised Code of Washington
SRCAA	Spokane Regional Clean Air Agency
SIP	State Implementation Plan
WAC	Washington Administrative Code

Executive Summary

Washington Department of Ecology requests that EPA approve this revision to the Washington State Implementation Plan (SIP) proposed by the Spokane Regional Clean Air Agency (SRCAA). The proposed SIP revision:

- updates new source review and general air quality regulations, including updating portions of the SRCAA's Regulation I currently in the SIP;
- adds portions of Regulation I to the SIP;
- removes a repealed regulation (Regulation II, Section 4.01);
- updates the WACs that SRCAA adopted by reference.

This SIP revision is applicable in SRCAA's jurisdiction of Spokane County, Washington.

Introduction

Background

The federal Clean Air Act authorizes EPA to adopt National Ambient Air Quality Standards (NAAQS) to protect public health and welfare, and to prevent adverse effects from air pollutants. The Clean Air Act requires states to develop and adopt SIPs to show how they attain and maintain the latest NAAQS and relevant federal rules. In order to include the revised state and local clean air agency rules and programs in the SIP, Ecology submits SIP revisions to EPA for approval after public notice, public comment period, and, if requested, a public hearing. When EPA approves inclusion of state and local agency regulations into the SIP, they become federally enforceable.

Chapter 70.94 RCW and the Clean Air Act (42 USC 7401 et seq.) authorize Spokane Regional Clean Air Agency (SRCAA) to adopt regulations to control air contaminant emissions in its jurisdiction.

Scope and purpose of the SIP revision

Ecology requests EPA to approve into the SIP Spokane Regional Clean Air Agency's new source review and general air quality portions of the revised SRCAA Regulation I as listed in this document.

The SIP currently includes outdated portions of SRCAA Regulation I, obsolete text from SRCAA Regulation II, and outdated WACs. This SIP revision request includes certain SIP-relevant portions of SRCAA's New Source Review/General Regulation amendments, including certain sections of Chapter 173-400 WAC, General Regulation for Air Pollution Sources that SRCAA has adopted by reference in Regulation I.

This SIP revision applies to the SRCAA jurisdiction of Spokane County, Washington.

This SIP revision does not apply where SRCAA does not have jurisdiction, including major energy facilities under the jurisdiction of the Energy Facility Site Evaluation Council (EFSEC) and any areas with tribal jurisdiction.

SIP revision submittal documents

This SIP revision request includes provisions that are new, revised, or to be removed from the current SIP. It also includes some approved, but not incorporated by reference, provisions. All other portions of the SIP remain unchanged.

- Appendix A contains four SRCAA SIP revision tables:
 - Table A1: SRCAA Regulation I for proposed approval and incorporation by reference into the SIP
 - Table A2: SRCAA Regulation I for proposed EPA approval but not incorporated into SIP
 - Table A3: Chapter 173-400 WAC SRCAA adopted by reference for proposed approval and incorporation by reference into the SIP, and WAC approval by EPA but not incorporated into SIP
 - Table A4: Proposed removal from the SIP
- Appendix B contains EPA analysis of the SIP revisions, established through coordination between SRCAA and EPA in preparation of this SIP request. This analysis shows the specific changes shown in strikethrough.
- Appendix C contains the SRCAA SIP revision request to Ecology including SRCAA request letter to Ecology and SRCAA Regulation I NSR SIP submittal in strikethrough.
- Appendix D contains public involvement notice, calendar, legal notice, and affidavits.
- Appendix E contains the SIP adoption order.

Ecology's request

Ecology requests EPA take the following actions:

- Approve the submitted portions of SRCAA Regulation I into the SIP, as described in Appendix A, Table A1 to be applicable in Spokane County, Washington.
- Approve the submitted portions of SRCAA Regulations that provide SRCAA adequate enforcement and general authority for implementing and enforcing their SIP, but not incorporated into SIP, as described in Appendix A, Table A2.
- Approve Chapter 173-400 WAC adoptions by reference into the SIP, as described in Appendix A, Table A3, to be applicable in Spokane County, Washington.
- Remove outdated provisions from SRCAA Regulation I and II and Chapter 173-400 WAC and replace them with current ones when appropriate, as described in Appendix A tables.

Public involvement

Ecology is inviting public comment on the proposed SIP revision from August 11, 2020 through September 26, 2020.

Ecology is offering to hold a public hearing for the proposed SIP revisions if requested by September 16, 2020.

Appendices

Appendix A. SRCAA SIP Revision Tables

Table A1: SRCAA Regulation I for proposed approval and incorporation by reference into the SIP

Section	Section Title	Effective Date	SIP Action	Explanation
1.01	Policy	9/1/20	Replace 6/2/95 WAC with 1.01	Subsections (A) and (B) replace WAC 173-400-010. Subsection (C) supplements WAC 173-400-020.
1.02	Name of Agency	9/1/20	Add	
1.03	Short Title	9/1/20	Add	
1.04	General Definitions	9/1/20	Replace 6/2/95 WAC with 1.04	<p>Except subsections (17) tBACT, (41) Excess Emissions, (52) HAP, (60) Malfunction, (74) Odor, (101) Shutdown, (112) Startup, (119) TAP, and (122) Upset Condition.</p> <p>Section 1.04 replaces WAC 173-400-030, except the 9/16/18 versions of 030 definitions that are adopted by reference in Section 2.14.</p> <p>Retain 1995 SIP version 030(24) excess emissions.</p>
1.05	Acronym Index	9/1/20	Add	
2.08	Falsification of Statements or Documents, and Treatment of Documents	9/1/20	Add	Subsections (E) and (F) only. Subsection (E) replaces WAC 173-400-105(6). Subsection (F) replaces WAC 173-400-105(8).
2.09	Source Tests	9/1/20	Add	Section 2.09 replaces WAC 173-400-105(4).
2.13	Federal and State Regulation Reference Date	9/1/20	Add	Subsection (A) replaces WAC 173-400-025.

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Section	Section Title	Effective Date	SIP Action	Explanation
2.14	Washington Administrative Codes (WACs)	9/1/20	Add	Subsection (A)(1) only, and only with respect to those revised Chapter 173-400 WAC provisions identified for incorporation by reference in Table A3.
4.03	Registration Exemptions	9/1/20	Add	Subsections (B) and (C) only.
4.04	Stationary Sources and Source Categories Subject to Registration	9/1/20	Add	Except subsections (A)(3)(u), (A)(3)(v), (A)(5)(b), (A)(5)(e)(9), or any other provision as it relates to the regulation of toxic air pollutants or odors.
4.05	Closure of a Stationary Source or Emissions Unit(s)	9/1/20	Add	
5.02	New Source Review – Applicability and When Required	9/1/20	Add	Except subsections (C)(5) TAPs and (I) Exemptions. Section 5.02 replaces WAC 173-400-110. Subsection (F) replaces WAC 173-400-111(2).
5.03	NOC and PSP fees	9/1/20	Add	
5.04	Information Required	9/1/20	Add	Except subsection (A)(8) SEPA. Collectively, Sections 5.04, 5.06, 5.07, 5.10, 5.13, and 5.14 replace the permitting procedures in WAC 173-400-111.
5.05	Public Involvement	9/1/20	Add	Except subsection (C)(15) Emission Limit. Section 5.05 replaces WAC 173-400-171.
5.06	Application Completeness Determination	9/1/20	Add	Collectively, Sections 5.04, 5.06, 5.07, 5.10, 5.13, and 5.14 replace the permitting procedures in WAC 173-400-111.
5.07	Processing NOC Applications for Stationary Sources	9/1/20	Add	Except subsections (A)(1)(g) Chapter 173-460 and (B) Replacement. Collectively, Sections 5.04, 5.06, 5.07, 5.10, 5.13, and 5.14 replace the permitting procedures in WAC 173-400-111. (A)(7) replaces 173-400-110(2)(a).
5.08	Portable Sources	9/1/20	Add	Except subsection (A)(6) nonroad engines. Section 5.08 replaces 173-400-036.

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Section	Section Title	Effective Date	SIP Action	Explanation
5.09	Operating Requirements for Order of Approval and Permission to Operate	9/1/20	Add	Except subsection (C).
5.10	Changes to an Order of Approval or Permission to Operate	9/1/20	Add	Collectively, Sections 5.04, 5.06, 5.07, 5.10, 5.13, and 5.14 replace the permitting procedures in WAC 173-400-111.
5.11	Notice of Startup of a Stationary Source or a Portable Source	9/1/20	Add	
5.12	Work Done Without and Approval	9/1/20	Add	
5.13	Order of Approval Construction Time Limits	9/1/20	Add	Collectively, Sections 5.04, 5.06, 5.07, 5.10, 5.13, and 5.14 replace the permitting procedures in WAC 173-400-111.
5.14	Appeals	9/1/20	Add	Collectively, Sections 5.04, 5.06, 5.07, 5.10, 5.13, and 5.14 replace the permitting procedures in WAC 173-400-111.
5.15	Obligation to Comply	9/1/20	Add	
6.04	Emission of Air Contaminant: Detriment to Person or Property	9/1/20	Add	Subsections (A), (B), (C), and (H) only and excepting provisions of RCW 70.94.640 (incorporated by reference) that relate to odor. Subsections (A) and (B) supplement WAC 173-400-040. Subsection (C) replaces WAC 173-400-040(6).
6.05	Particulate Matter and Preventing Particulate matter from Becoming Airborne	9/1/20	Replace 4/10/04 version with 2020	Except subsection (A). Section 6.05 supplements but does not replace WAC 173-400-040(4) and (9).
6.07	Emission of Air Contaminant Concealment and Masking Restricted	9/1/20	Add	Section 6.07 replaces WAC 173-400-040(8).
6.14	Standards for Control of Particulate Matter on Paved Surfaces	9/1/20	Replace 6/3/07 version with 2020	Section 6.14 supplements but does not replace WAC 173-400-040(9).

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Section	Section Title	Effective Date	SIP Action	Explanation
6.15	Standards for Control of Particulate Matter on Unpaved Roads	9/1/20	Replace 6/3/07 version with 2020	Section 6.15 supplements but does not replace WAC 173-400-040(9).

Table A2: SRCAA Regulation I for proposed approval, but not incorporated into the SIP

Section	Section Title	Local Effective Date	Explanation
2.01	Powers and Duties of the Board	9/1/20	Approved by EPA, but not incorporated by reference (IBR).
2.02	Control Officer's Duties and Powers	9/1/20	Approved by EPA, but not IBR. Subsection (E) replaces WAC 173-400-105(3).
2.03	Confidential or Proprietary Information	9/1/20	Approved by EPA, but not IBR.
2.04	Violations	9/1/20	Approved by EPA, but not IBR. Section 2.04 replaces WAC 173-400-230(1) and (6).
2.05	Orders and Hearings	9/1/20	Approved by EPA, but not IBR.
2.06	Appeal of Board Orders	9/1/20	Approved by EPA, but not IBR. Section 2.06 replaces WAC 173-400-250.
2.10	Severability	9/1/20	Approved by EPA, but not IBR.
2.11	Criminal Penalties, Civil Penalties, and Additional Means of Enforcement	9/1/20	Approved by EPA, but not IBR. Section 2.11 replaces WAC 173-400-230(2) and (3).
2.12	Restraining Orders – Injunctions	9/1/20	Approved by EPA, but not IBR. Section 2.12 replaces WAC 173-400-230(4)

Table A3: Chapter 173-400 WAC SRCAA adopted by reference for proposed approval and incorporation by reference into the SIP, and EPA approval but not incorporated by reference into the SIP

Section	Section Title	State Effective Date	SIP Action	Explanation
173-400-020	Applicability	12/29/12	Replace 3/22/91 with 12/29/12 version	To supplement 1.01(C)
173-400-030	Definitions	9/20/93 9/16/18	Retain part of 9/20/93 Replace with 9/16/18 version	Retain 030(24) Excess Emissions. Only the following definitions: Adverse Impact on Visibility; Capacity Factor; Class I Area; Dispersion Technique; Emission Threshold; Excess Stack Height; Existing Stationary Facility; Federal Class I Area; Federal Land Manager; Fossil Fuel Fired Steam Generator; General Process Unit; Greenhouse Gases; Industrial Furnace; Mandatory Class I Federal Area; Natural Conditions; Projected Width; Reasonably Attributable; Sulfuric Acid Plant; and Wood Waste.
173-400-040	General Standards for Maximum Emissions	9/20/93 9/16/18	Retain part of 9/20/93 Replace with 9/16/18 version	Retain 040(1)(a & b) Visible Emissions. Except: 040(2); 040(3); 040(5); 040(6); 040(8).
173-400-050	Emission Standards for Combustion and Incineration Units	9/16/18	Replace 3/22/91 with 9/16/18 version	Except: 050(2); 050(4); 050(5); 050(6).
173-400-060	Emission Standards for General Process Units	11/25/18	Replace 3/22/91 with 11/25/18 version	

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Section	Section Title	State Effective Date	SIP Action	Explanation
173-40-091	Voluntary Limits on Emissions	4/1/11	Replace 9/20/93 version with 4/1/11	9/20/93 version continues to be approved under the CAA Section 112(l) with respect to Section 112 HAP
173-400-105	Records, Monitoring and Reporting	11/25/18	Replace 3/22/91 version with 11/25/18	Except: 105(3); 105(4); 105(6); 105(8).
173-400-112	Requirements for New Sources in Nonattainment Areas-Review for Compliance with Regulations	12/29/12	Replace 9/20/93 version with 12/29/12	
173-400-113	New Sources in Attainment or Unclassifiable Areas – Review for Compliance with Regulations	12/29/12	Replace 9/20/93 version with 12/29/12	Except: 113(3), second sentence.
173-400-117	Special Protection Requirements for Federal Class I Areas	12/29/12	Add	
173-400-118	Designations of Class I, II and III Areas	12/29/12	Add	
173-400-131	Issuance of Emission Reduction Credits	4/1/11	Add	
173-400-136	Use of Emission Reduction Credits	4/1/11	Add	
173-400-151	Retrofit Requirements for Visibility Protection	2/10/05	Replace 3/22/91 version with 2/10/05	
173-400-175	Public Information	2/10/05	Add	

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Section	Section Title	State Effective Date	SIP Action	Explanation
173-400-200	Creditable Stack Height and Dispersion Techniques	2/10/05	Replace 3/22/91 version with 2/10/05	
173-400-220	Requirements for Board Members	3/22/91	None	EPA approval, but did not incorporate by reference (IBR)
173-400-230	Regulatory Actions	3/20/93	None	EPA approval, but not IBR
173-400-240	Criminal Penalties	3/22/91	None	EPA approval, but not IBR
173-400-250	Appeals	3/20/93	None	EPA approval, but not IBR
173-400-260	Conflicts of Interest	7/1/16	None	EPA approval, but not IBR
173-400-560	General Order of Approval	12/29/12	Add	Except: The part 560(1)(f) that says "173-460 WAC."
173-400-800	Major Stationary Source and Major Modifications in a Nonattainment Area	4/1/11	Add	
173-400-810	Major Stationary Source and Major Modifications Definitions	7/1/16	Add	
173-400-820	Determining if a New Stationary Source or Modification to a Stationary Source is Subject to these Requirements	12/29/12	Add	
173-400-830	Permitting Requirements	7/1/16	Add	
173-400-840	Emission Offset Requirements	7/1/16	Add	

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Section	Section Title	State Effective Date	SIP Action	Explanation
173-400-850	Actual Emission Plant-wide Applicability	7/1/16	Add	
173-400-860	Public Involvement procedures	4/1/11	Add	

Table A4: Proposed removal from the SIP

Section	Section Title	SIP Action	Explanation
4.01 (A) and (B)	Particulate Emissions – Grain Loading Restrictions	Remove	Approved in SIP 6/5/80 (45 FR 37821). SRCAA repealed Regulation II (3/4/04, Resolution #04-01) to eliminate internal duplication of sections within Regulation I and external duplication of state regulations that the agency adopts by reference. 173-400-050 and 060 replace this section.
WAC 173-400-100	Registration	Remove	Approved in SIP 6/2/95 (60 FR 28726) The EPA removed WAC 173-400-100 from the SIP for Ecology’s direct jurisdiction. SRCAA is requesting that the EPA remove this outdated provision for SRCAA’s jurisdiction.
WAC 173-400-010	Policy and Purpose	Remove	Approved in SIP 6/2/95 (60 FR 28726) SRCAA Regulation I, Article I, Section 1.01(A & B) replaces WAC 173-400-010.
WAC 173-400-110	New Source Review	Remove	Approved in SIP 6/2/95 (60 FR 28726) SRCAA Regulation I, Article V, Section 5.02 replaces WAC 173-400-110.
WAC 173-400-171	Public Involvement	Remove	Approved in SIP 6/2/95 (60 FR 28726) SRCAA Regulation I, Article V, Section 5.05 replaces WAC 173-400-171

Appendix B. EPA analysis of SRCAA Regulation I SIP revision

Article I



ARTICLE I review
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Article II



ARTICLE II
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Article IV



ARTICLE IV review
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Article V



ARTICLE V review
1_13_20MC.pdf

Article VI



ARTICLE VI
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Appendix C. SRCAA SIP Revision Request to Ecology

SRCAA Regulation I NSR SIP submittal regulatory text and SIP submittal letter to Ecology.



Reg I SIP
submittal.pdf



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Appendix D. Public Involvement

These appendices are added after the document has gone through the public comment period and before it is sent to EPA.

Appendix E. SIP Adoption Order

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